

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

HORACE LEE DUNLAP)	
)	
v.)	No. 3:06-0016
)	JUDGE ECHOLS
UNITED STATES OF AMERICA)	
)	

ORDER

Pending before the Court are the Report and Recommendation (“R&R”) entered by the United States Magistrate Judge on December 19, 2006 (Docket Entry No. 7), and Movant Horace Dunlap’s Motion For Relief From Judgement (sic) Pursuant To Rule 60(b)(6) (Docket Entry No. 1). Dunlap did not file any objections to the Magistrate Judge’s R&R.

In reviewing an R&R, the Court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1); Fed.R.Civ.P. 72(b). Having carefully reviewed the entire record in this case, the Court finds that no error of fact or law appears in the R&R. Accordingly,

(1) The R&R of the Magistrate Judge (Docket Entry No. 7) is hereby ACCEPTED.

(2) The Motion For Relief From Judgement (sic) Pursuant To Rule 60(b)(6) (Docket Entry No. 1) is hereby DENIED for the reasons stated in the R&R.

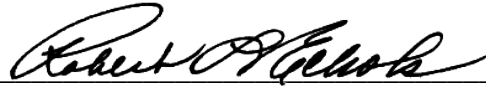
(3) This case is hereby DISMISSED WITH PREJUDICE.

(4) Entry of this Order on the docket shall constitute entry of final Judgment in accordance with Federal Rules of Civil Procedure 58 and 79(a).

(5) Because Dunlap cannot show “that reasonable jurists could debate whether (or, for that matter, agree that) the [Motion] should have been resolved in a different manner or that the issues

presented were adequate to deserve encouragement to proceed further[.]" see Miller-El v. Cockrell, 537 U.S. 322, 336 (2003) (internal quotation marks and citations omitted); United States v. Hardin, — F.3d —, 2007 WL 817267 *2 & n.1 (6th Cir. March 20, 2007), a certificate of appealability under 28 U.S.C. § 2253 is hereby DENIED.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "Robert L. Echols", is written over a horizontal line.

ROBERT L. ECHOLS
UNITED STATES DISTRICT JUDGE